

6
(OK)
7/4
5-6-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: AKIMOTO=4

In re Application of:)	Art Unit: 3749
)	
Hiromichi AKIMOTO et al.)	Examiner: A.M. Ragonese
)	
Appln. No.: 10/035,421)	Confirmation No. 2427
)	
Filed: January 4, 2002)	Washington, D.C.
)	
For: APPARATUS FOR)	April 8, 2003
FREEZE-DRYING FOODSTUFFS,)	
MEDICAMENTS, AND SO FORTH)	

TERMINAL DISCLAIMER

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §1.321(b)(1)(iv) and other parts of Section 1.321, the terminal part of any patent granted on the above-identified application Serial No. 10/035,421 which would extend beyond the full statutory expiration date of USP 6,470,592, is hereby disclaimed by the common assignee, Kyowa Vacuum Engineering Co., Ltd., the owner of the entire right, title and interest in the present application and said U.S. patent; and

It is hereby agreed that any patent so granted on the above-identified application Serial No. 10/035,421 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to USP

04/28/2003 ACARPENT. 00000005 024035 10035421
01 FC:2814 6,470,592, this agreement to run with any patent granted on the
55.00 CH

In re of Appln. No. 10/035,421

above-identified application Serial No. 10/035,421 and to be binding upon the grantee, its successors or assigns.

No disclaimer of any terminal part of any patent granted on the above-identified application Serial No. 10/035,421 prior to the expiration date of the full statutory term of prior USP 6,470,592, is made in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, whereby the present terminal disclaimer is effective only for the separation of legal title as stated above. The "full statutory term" of the prior patent is the maximum granted term thereof, as extended by law at any time, and this terminal disclaimer is being made without waiver of the rights of applicants or the assignee to seek an extension of the patent granted on the instant application in accordance with law, including but not limited to the right to an extension under 35 U.S.C. §156 [see 37 C.F.R. §1.775(a)].

The intended scope of the present terminal disclaimer as set forth above and the non-alienation agreement above are intended to be the minimum required by law, and this document is to be considered to effectuate said intent. No admission is


In re of Appln. No. 10/035,421

made that any claims of the present application are obvious over any prior patent.

The statutory disclaimer fee of \$110.00 / \$55.00 for a small entity per 37 C.F.R. \$1.20(d) was previously paid on February 13, 2003.

Attorney of Record

By


Norman J. Latker
Registration No. 19,963
(BROWDY AND NEIMARK, P.L.L.C.)

Date:

4/8/03

G:\BN\N\N12\akimoto4\pto\Substitute TerDisclaimer.doc